



Attorney Docket No.: 3745.234-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ole Kirk

Application No.: 09/754,723

Group Art Unit: 1645

Filed: January 4, 2001

Examiner: Duffy, Patricia Ann

Confirmation No: 3358

For: Use Of A Peptide

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicant submits herewith references which he believes may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Information Disclosure Statement shall not be construed as a representation that no material references other than those listed exist or that a search has been conducted.

The references are listed in Form PTO-1449 which is in accordance with the requirements of M.P.E.P. 609. A copy of the references is also enclosed.

The references are as follows:

1. Opposition to European Patent No. 0631505 by Eli Lilly and Company, dated September 13, 2000;
2. Affidavit of Raymond J.Carroll submitted by Opponent Eli Lilly;
3. Affidavit of Gerald Gold submitted by Opponent Eli Lilly;
4. Observations of the Proprietor Novo Nordisk on the notice of opposition by Eli Lilly and Company, dated June 15, 2001;

5. Summons To Attend Oral Proceedings Pursuant to Rule 71(1) EPC, dated December 17, 2001;
6. Letter from Opponent Eli Lilly dated April 22, 2002, and accompanying Declaration of John M. Beals, Ph.D.;
7. Observations of the patent proprietor Novo Nordisk pursuant to Rule 71(a) EPC, dated April 24, 2002;
8. Declaration of Dr. Sturis submitted by Patent Proprietor Novo Nordisk
9. Letter of Opponent Eli Lilly dated May 17, 2002;
10. Signed Statement of Dr. Patrik Rorsman submitted by Opponent Eli Lilly;
11. Minutes of the oral proceedings before the Opposition Division on June 24, 2002.

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the undersigned if there are any questions concerning this paper or the attached references.

The information disclosure statement submitted herewith is being filed **within** three months of the filing date of a national application or date of entry into the national stage of an international application or **before** the mailing date of a first Office action on the merits, or **before** the mailing date of a first Office action after the filing of a request for continued examination. Therefore, no fee is due. However, please charge any fees should they be required, to Novo Nordisk Pharmaceuticals, Inc. Deposit Account No. 14-1447.

Respectfully submitted,

Date: July 7, 2003

Richard W. Bork
Richard W. Bork, Reg. No. 36,459
Novo Nordisk Pharmaceuticals, Inc.
100 College Road West
Princeton, NJ 08540
(609) 987-5800



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